IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.5163 OF 2005

Baldev Singh Surendra Sinh Randhava — Petitioner
vs.
The State of Maharashtra — Respondents

Ms.Madhavi Sakpal i/b. Lalla & Lalla for the petitioner.

Ms.M.Deshmukh, A.P.P. for respondents.

CORAM : A.M. KHANWILKAR,J.

DATED : 6th October 2005

P.C.

Heard the counsel for the parties. Perused the report submitted by the 12th Adhoc Additional Sessions Judge for Greater Bombay at Sewree dated October 1, 2005. Indeed the prayer for bail application made earlier has been rejected by this Court on 30.9.2004 on merits. However, inspite of direction given in the said order to expedite the trial by referring to Fast Track Court, the trial has not progressed as yet. The report of the concerned Judge indicates that the trial transferred before it on 6.1.2004. On every date the matter was required to be adjourned for one reason or the other. That position is fortified from the roznama on record. The Judge has clearly opined that the trial cannot be started because the prosecution is not willing to proceed with recording of evidence of other witneses as the complainant is not available for recording of his

evidence. The applicant has been arrested in connection with offences stated to have been committed on 29.10.2001 and is languishing in jail since then. If the prosecution is unable to proceed with the trial for the reason which, in my opinion, is unacceptable. The applicant cannot be made to suffer. In the peculiar facts and circumstances of the present case, I am inclined to allow the present application for bail by imposing strict conditions. Accordingly, present application is allowed on the following conditions:

(i) The applicant be released on bail in connection with C.R.No.80/2001 registered with Varsova Police Station in the sum of Rs.10,000/- with two local sureties in the like amount.

(ii) The applicant shall report to the concerned Police Station once in a month and attend before the trial Court on every notified date. Even if one default is committed in attending the court matter for whatever reason, the bail bond shall stand cancelled forthwith and it will be open to proceed to arrest the applicant immediately.

(iii) The applicant shall not leave the

jurisdiction of the Sessions Court, Mumbai during the pendency of the trial without seeking prior permission of the trial Court.

(iv) The applicant shall not dissuade the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever during the pendency of the trial.

2. The application is allowed on the above conditions.

(A.M. KHANWILKAR,J.)